



DAVID BURCHARD
CHAPTER 13 TRUSTEE
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Signed: September 30, 2010


ALAN JAROSLOVSKY
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION

In re:) Case No.: 10-1-3663AJ13
) Chapter 13
)
HUGO TAPIA) ORDER AUTHORIZING THE CHAPTER 13
) TRUSTEE TO MAKE ADEQUATE
) PROTECTION PAYMENTS
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The Ex-parte application of David Burchard, Chapter 13 Trustee in the above referenced matter, for an Order directing the Chapter 13 Trustee to make the adequate protection payments proposed by the debtor(s) plan;

Is Hereby Granted as follows:

1. Adequate protection payments required by 11 U.S.C. 1326(a)(1)(C) and the proposed plan shall be paid by the trustee not the debtor.
2. Adequate protection payments required by 11 U.S.C. 1326(a)(1)(B) and the proposed plan shall be paid by the debtor directly to the lessor, reducing the debtor(s) plan payment by that amount so paid and providing the trustee with evidence of such payment including the amount and date of payment.
3. Adequate protection payments pursuant to 11 U.S.C. 1326 (a)(1)(C) and the proposed plan shall be paid when the claim holder has filed a proof of claim. To the extent funds are available the trustee shall pay the claim holder adequate protection payments for those periods from the filing of the petition through the date of confirmation.
4. The trustee shall begin making the adequate protection payments in connection with the trustee's customary month end disbursement cycle beginning the month after the petition is filed.

5. The trustee may access an administrative fee for making the payments required by this order and shall collect such fee at the time of making the payment from the funds on hand in the case. The allowed fee shall be equal to the percentage fee established by the Attorney general pursuant to 28 U.S.C. 586(e)(1)(B) in effect at the time of the distribution.
6. Upon dismissal or conversion prior to confirmation of the plan, the trustee shall first make the payments required by paragraph 1 above, then any unpaid claims allowed pursuant to section 503(b), before returning the balance of the funds held by the trustee to the debtor.
7. The trustee shall serve the creditors receiving adequate protection payments with the order on Chapter 13 Adequate Protection Payments
8. On appropriate motion any party may, either ex-parte or on noticed motion, request this order be modified by the court.

****END OF ORDER****